

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALEXANDER WILLIAMS, JR.,

Plaintiff,

-against-

THE CITY OF NEW YORK, ET AL.,

Defendants.

20-CV-1245 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff, currently incarcerated at the Manhattan Detention Center, brings this *pro se* action under 42 U.S.C. § 1983, alleging that Defendants violated his rights. For the following reasons, the complaint is dismissed.

Plaintiff has previously submitted to this Court a substantially similar complaint against the same Defendants asserting the same claims. That case is pending in this Court under docket number *Williams v. City of New York*, No. 20-CV-516. Because this complaint raises the same claims, no useful purpose would be served by the filing and litigation of this duplicate lawsuit.¹ Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case under docket number 20-CV-516.

In light of the Court's belief that Plaintiff may have submitted this duplicate complaint in error, the Clerk of Court shall not charge Plaintiff the \$350.00 filing fee for this action, and the Warden or Superintendent having custody of Plaintiff shall not deduct or encumber funds from Plaintiff's prison trust account for this lawsuit.

¹ If Plaintiff seeks to amend the complaint filed in the action under docket number 20-CV-516 in order to modify the parties or claims, he may do so in that pending action, to the extent consistent with Rule 15 of the Federal Rules of Civil Procedure.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. Plaintiff is granted IFP status under 28 U.S.C. § 1915(a)(1) for the limited purpose of dismissing this complaint without prejudice. Plaintiff's complaint is dismissed as duplicative.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See* *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: February 13, 2020
New York, New York



COLLEEN McMAHON
Chief United States District Judge